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TO: Planning Commission

FROM: Leonard F. Mansell, Planner III

DATE: April 27, 2006

SUBJECT: General Plan Conformity Report for the abandonment of a portion of Vineyard Drive right of way near Hwy 46, located East of the Town of Templeton.

(RECOMMEND RECEIVE AND FILE)

This is to advise the Planning Commission that the San Luis Obispo Department of Planning and Building has acted on the above referenced request for general plan conformity review. Attached is a copy of the staff report for your information.

On the date of determination referenced in the attached staff report, the Department of Planning and Building found the proposed road abandonment in conformity with the applicable provisions of the general plan.



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**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING AND BUILDING
STAFF REPORT**

*Promoting the wise use of land
Helping build great communities*

DETERMINATION DATE April 27, 2006	CONTACT/PHONE Leonard F. Mansell 781-5199	APPLICANT Chambers	FILE NO. S020118R
SUBJECT General Plan Conformity Report for the abandonment of a portion of Vineyard Drive right of way near Hwy 46 located West of the Town of Templeton.			
RECOMMENDED ACTION Receive and file the determination that the proposed abandonment is in conformity with the County General Plan			
ENVIRONMENTAL DETERMINATION Not required for general plan conformity reports			
LANDUSE CATEGORY Agriculture	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBERS 040-231-006/040,231,008	SUPERVISOR DISTRICT (S) 1
PLANNING AREA PROGRAMS & STANDARDS: Adelaida Plan Area: No applicable Programs or Standards.			
EXISTING USES: Vineyards			
SURROUNDING LAND USE CATEGORIES AND USES: North: Agriculture/Agriculture East: Agriculture/Agriculture South: Agriculture/Residential West: Agriculture/Agriculture			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Templeton Advisory Group and County Parks Department (see page 3)			
TOPOGRAPHY: Flat to gently rolling		VEGETATION: Urban Landscape/Vineyards	
PROPOSED SERVICES: Water supply: N/A Sewage Disposal: N/A Fire Protection: County Fire Department		ACCEPTANCE DATE: October 7, 2002	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER □ SAN LUIS OBISPO □ CALIFORNIA 93408 □ (805) 781-5600 □ FAX: (805) 781-1242			

PROJECT DESCRIPTION

The proposal is a request for the County to abandon a 10' wide by 250' long portion of the Vineyard Drive right of way at the North West corner of the intersection of Vineyard Drive and Winery Rd. The request is for the County to make a determination of whether or not the abandonment is consistent with the General Plan.

The original agricultural compound had buildings that encroached into the setbacks of both Vineyard Dr. and Winery Rd. The County Planning Department issued Conditional Certificates of Compliance on October 8th, 2002. These Certificates outlined the corrective measures necessary to comply with the Vineyard Dr. setbacks. Condition C. 1) lists the need to abandon a 10' x 250' portion of the Vineyard Drive right-of-way to make the property ready for a lot line adjustment that will correct any remaining setback violations. This portion of right-of-way is approximately 250 feet by 10 feet on the northwest side of the intersection of Vineyard Drive and Winery Road.

While Vineyard Drive is designated a Collector Road in the Adelaida Area Plan, there are no applicable programs, policies or standards that apply. Therefore, this request may be found to conform to the General Plan and the Circulation Element. The Right of Way to be abandoned is a portion of the old county right of way that is no longer needed for Circulation or Area Programs. With the abandonment the Vineyard Drive right of way will be 50 feet wide in this location.

PROCESS

When the county receives a request for the disposal of real property, in the form of public right-of-way or private easement, the proposal must be evaluated for consistency with the County General Plan before the action is authorized, pursuant to Government Code 65402. The Planning Agency is authorized to prepare and issue conformity reports pursuant to Government Code Section 65100. This conformity report is being prepared because this project requires a determination of conformity with the county general plan.

After the Planning Agency determines general plan conformity, the abandonment request is scheduled for public hearing before the County Board of Supervisors. The abandonment is introduced as a proposed "intent to abandon a road". Mailed notice is provided to all properties that have direct access to the road proposed for abandonment

Generally, the abandonment of a right-of-way does not extinguish rights of others that have legally established easements over the right-of-way. These owners maintain their private easement rights. Abandonment does, however, take the right-of-way out of the public domain and return it for the private use and potential development by adjacent owners. The Board of Supervisors can approve, deny, or only partially approve the abandonment. This may also include retaining certain rights for public needs such as utilities, paths, trails parking, drainage, slope easements, and equestrian trails.

GENERAL PLAN CONFORMITY

This conformity report is being prepared because this project requires a determination of conformity with the county general plan. According to the Framework for Planning. "The determination of conformity is to be based on the County General Plan including the text, standards, programs and maps contained therein. Factors that may be considered in determining conformity include, but are not limited to the following:

1. The proposed project bears a reasonable relationship to pertinent policies and mapped locations of the most applicable General Plan Elements, Specific Plan or Facility Master Plan (such as an Airport Master Plan).
2. The project is consistent with the goals, objectives and policies of the Land Use Element, Local Coastal Program, and any other applicable General Plan Element.
3. A proposed construction project is designed in conformance with the standards of the Coastal Zone Land Use Ordinance as well as any standards contained in Chapter 8 of the applicable Land Use Element Area Plan.
4. The disposal or sale of public property will not eliminate, delay or unreasonably interfere with the opportunity to develop public sites or structures as identified in the general plan. The proposal should be evaluated for its possible use as a public facility, or for its exchange or sale and subsequent purchase of a better site within the community. The text of this chapter including the following "development guidelines," as well as Chapter 5, the combining designation maps of the applicable LUE Area Plan, and Chapter 8 of the Coastal Plan Policies Document will be used to determine the need for retaining public property. The development guidelines have precedence over identified public facility locations because their scope is broad in terms of ultimate community needs, particularly where specific facility sites have not yet been identified."

OTHER AGENCY COMMENTS

The Templeton Advisory Group was originally notified in 2002. The application was delayed by Civil action in the interim. A second referral was sent to Templeton Advisory Group and their reply was not received in time for this report. General Services Parks Department did not have any concerns with vacating this right of way.

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SUMMARY EVALUATION

Table A Guidelines for Evaluating General Plan Conformity					
Review Category		Conformity			Comments
A. Is the project consistent with the Conformity Criteria from Framework for Planning?		Yes	Maybe	No	
1	Relationship to Adopted Plans	X			
2	Consistent with the Land Use Element and Local Coastal Program	X			
	Project Designed Consistent to the LUO Standards	X			
4	Sale or Abandonment of Public Property or ROW will not interfere with development of public sites identified in the General Plan	X			
B. Is the project/proposal consistent with existing adopted General Plan Elements?		Yes	Maybe	No	
1	Countywide General Plan policies	X			
2	LCP Policy Document	X			
3	Ch 2-Coastal Access	X			
4	Pol 1 Protection of Exist Access	X			
5	Pol 4-Provision for Support Facilities	X			
6	Pol 8-Min. Conflicts between Adj Uses				
7	Ch 3 – Recreation & Visitor Serving				Area is a known Viticulture Area
8	Pol 1-Recreational Opportunities	X			
9	Pol 2-Priority for Visitor Serving Uses	X			
10	Coastal Zone Framework for Planning				
11	Ch 1-Goals			N/A	
12	Ch 5-Circulation			N/A	
13	Purpose & Character Statements			N/A	
14	Allowable Uses – Table 'O'			N/A	
15	Adelaida Area Plan	X			
16	Circulation Programs				Vineyard Dr. is designated a Collector Road
17	Land Use Programs			N/A	
18	Applicable Standards			N/A	
C. Does the project/proposal comply with the following?		Yes	Maybe	No	
1	Avoids secondary impacts on neighborhood			N/A	
2	Furtheres Smart Growth Principles?			N/A	
3	Promotes good design?	X			
4	Avoid Adverse Environmental Impacts?	X			
5	Does it preserve Prime Soils for Ag?	X			
6	Will retain existing vegetation?	X			
7	Avoid excessive land disturbances?	X			
8	Feasible considering existing hazards?	X			
9	Is compatible with existing character of neighborhood?	X			
D. Other Planning Considerations		Yes	Maybe	No	Proposal referred to Advisory Council (AVAC).
1	Will the proposal further stated community objectives?	X			
2	Will the proposal avoid conflicts with stated community objectives?	X			
3	Does the Community Advisory Council support the proposal?	X			Templeton Advisory Group supports the proposal.
4	Is the proposal supported by other agencies with jurisdiction?	X			County Parks Department/County Fire Department

DETERMINATION AND FINDINGS

The proposed abandonment as shown on Attachment 2- Exhibit A, is in conformity with the County General Plan based on the following findings:

- A. The proposed abandonment is in conformance with the Land Use Element because this right-of-way providing ingress/egress is not needed for local circulation. County Public Works has retained adequate right of way for current and future circulation.
- B. The proposal does not conflict with other elements of the County General Plan. Vineyard Drive is designated a Collector Road in the Adelaida Area Plan Circulation Element, and this section right of way is surplus to the 80' right of way of Vineyard Drive.

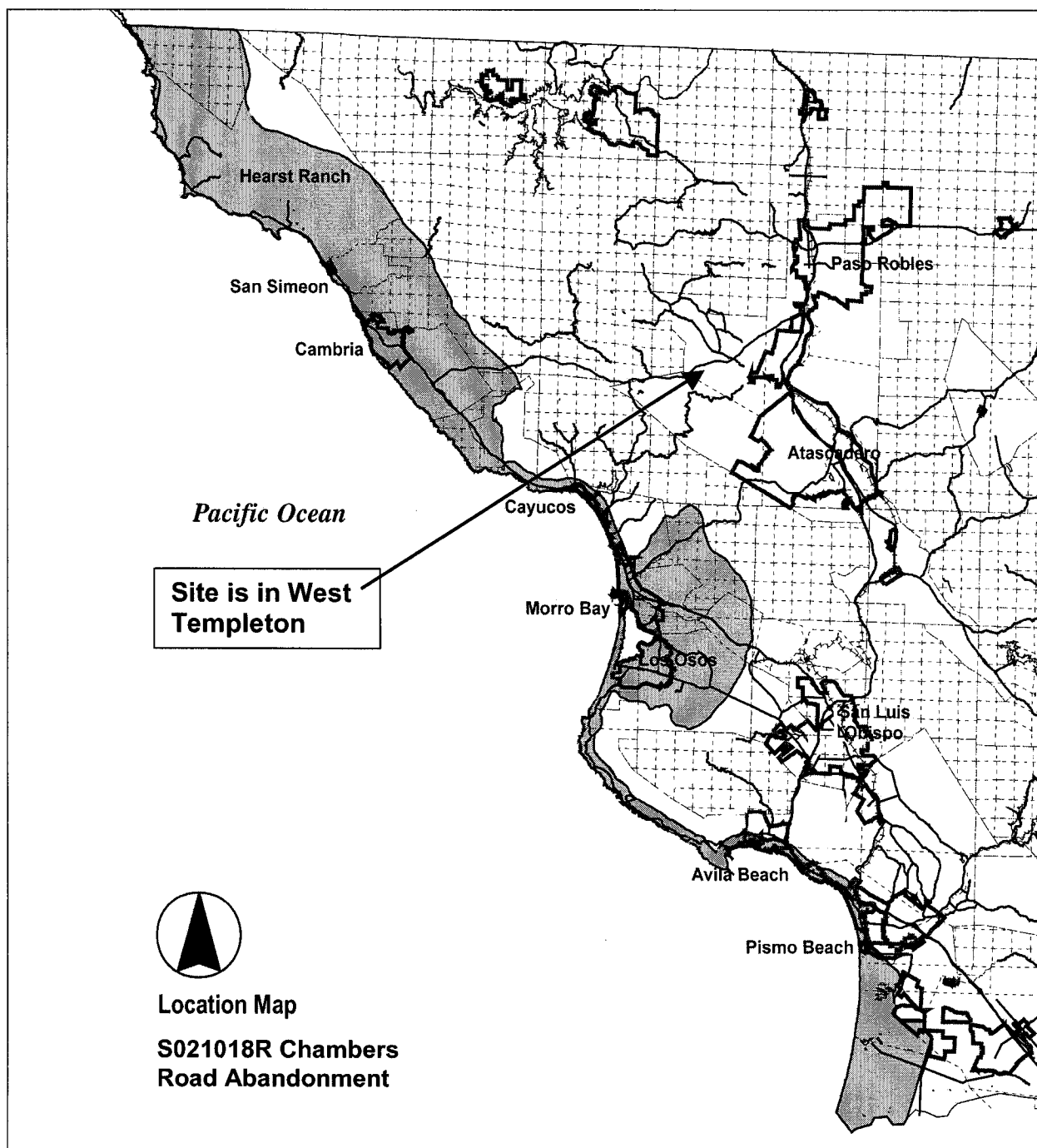
Report Prepared by Leonard Mansell, Planner III, and approved by John Hofschroer, Senior Planner, Information Services Group, Department of Planning and Building.

ATTACHMENTS

- 1. Location Map
- 2. Site Plan of Abandonment Request-Exhibit A
- 3. Land Use Category Map
- 4. Assessors Parcel Map

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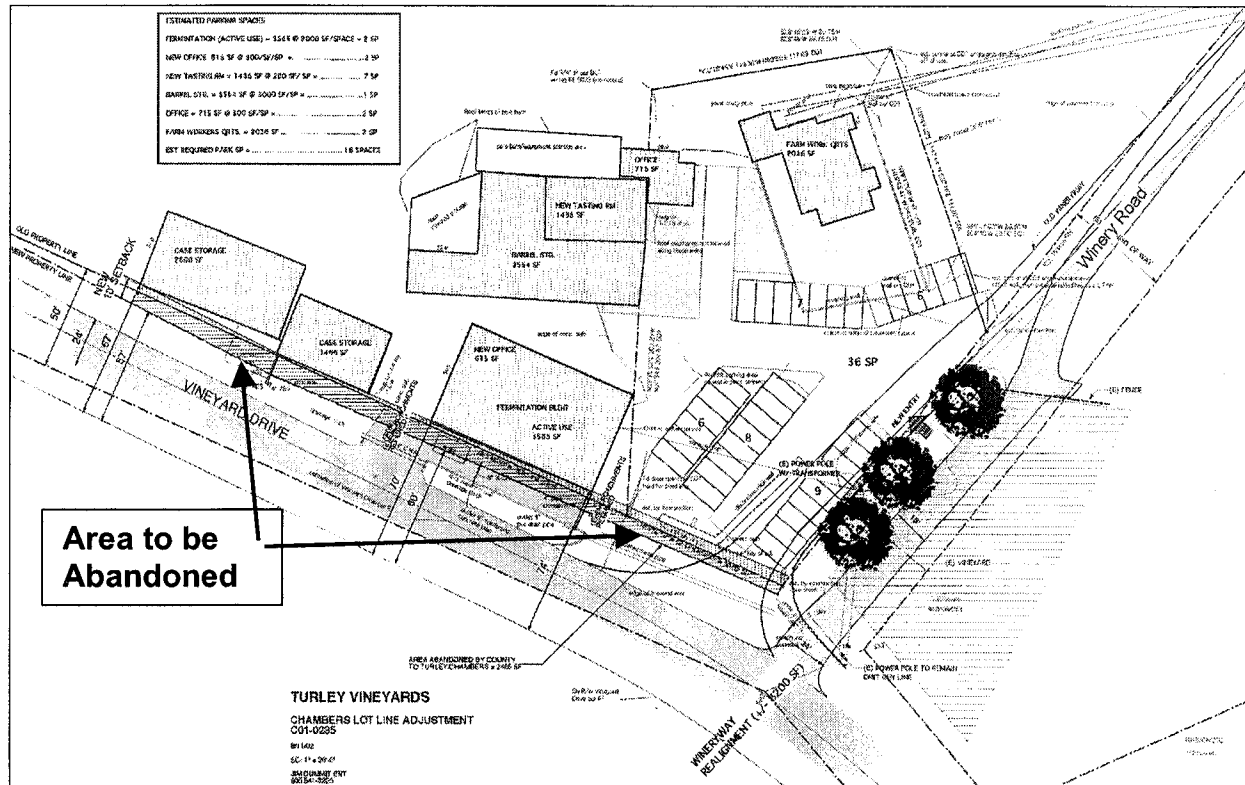
Attachment 1 Location Map



Attachment 2

Site Plan of Abandonment Request

Exhibit A
Area to be Abandoned



Attachment 3

Land Use Category Map

Agriculture



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Attachment 4 Assessors Parcel Map

